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09/819,991	03/29/2001	Yoshiharu Hirakata	740756-2285 4863	
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	ABODY, LLP	EXAMINER		
SUITE 800	ISBORO DRIVE	DUDEK, JAMES ANDRE		
MCLEAN, V	A 22102		ART UNIT	PAPER NUMBER
			2871	; . <u>.</u>
		DATE MAILED: 06/04/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicatin(s) / Applicatin(s	Y		🚁		,					
Examin r James A Dudek 2871	•	Application	on No.	Applicant(s)						
James A Dudek 2871 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than birthy (30) days, a reply within the statistory relindum of thirty (30) days, will be considered linely. If the period for reply specified above is less than birthy (30) days, a reply within the statistory relindum of thirty (30) days, will be considered linely. If the period for reply specified above is less than birthy (30) days, a reply within the statistory relindum of thirty (30) days, will be considered linely. If the period for reply specified above is less than birthy (30) days, a reply vertice of the period of the statistic period will apply down in reply (30) (40). An apply of the replication is the period for reply specified above is less than birthy (30) days, and set of the communication. A presponsive to communication(s) filled on		09/819,99	91	HIRAKATA ET AL.						
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THE MAILING DATE OF THIS COMMUNICATION. Editations of time may be available under the provisions of 3 CFR 1.136(a). In no event, however, may a reply be limity field after SIX (6) MCMTHS from the mailing date of this communication. Failure for reply is whether from the mailing date of this communication. Failure for reply is whether the service of the provision of the communication of the communication. Failure for reply is whether the service of the provision of the communication. Failure for reply within the set or extended period for reply veil. It y statistic, cause the application to become ABANDONED (3S U.S. C. § 133). Any reply created by the Office and the but her teres empired after the mailing date of this communication, even if threely filled, may reduce any Any reply created by the Office and the but her teres empired and the thin of the communication, even if threely filled, may reduce any Status 1) Responsive to communication(s) filled on the communication, even if threely filled, may reduce any Status 1) Responsive to communication (s) filled on the communication, even if threely filled, may reduce any 1) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-8 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-8 is/are objected to. 8) Claim(s) 1-8 is/are objected to. 8) Claim(s) 1-8 is/are objected to restriction and/or election requirement. Application Papers 9) The procedication is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. 11) The proposed drawing correction filed on is/are: a) approved b) disapproved by the Examiner. 12) The oath or declaration is objected to by the Examiner. 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d										
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-8 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-8 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No. 09/227,192. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.	<u> </u>									
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Application/Control Number: 09/819,991

Art Unit: 2871

DETAILED ACTION

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6219127. Although the conflicting claims are not identical, they are not patentably distinct from each other because substituting liquid crystal material for EL material would have been common knowledge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Dudek whose telephone number is 308-4782. The examiner can normally be reached on 9:00-5:30.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 7037308-0956.

January A. Dudek Primary Examiner Art Unit 2871

jad May 31, 2002